

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

SCOTT TRAUDT

Traudt

v.

PAUL ATKINS

CHAIRMAN

US SECURITIES AND EXCHANGE

COMMISSION

Defendant in his official capacity

Petition: Case No. 2:24-cv-01360-cr
1st Amended Petition

**RESPONSE TO DEFENDANTS' MOTION TO DISMISS AND MOTION TO
TRANSFER TO THE SECOND CIRCUIT COURT OF APPEALS**

Plaintiff John Traudt, proceeding pro se, respectfully submits this Response to Defendants' Motion to Dismiss (Doc. 29) and Motion to Transfer this action to the United States Court of Appeals for the Second Circuit pursuant to 28 U.S.C. § 1631.

1. Concession of Jurisdictional Issue. Plaintiff agrees with Defendants and this Court's order (Doc. 30, filed August 7, 2025) that this Court lacks subject matter jurisdiction over Plaintiff's writ of mandamus claim seeking review of the Securities and Exchange Commission's (SEC) actions or inaction regarding the trading halt of MMTLP. Pursuant to 15 U.S.C. § 78y(a), exclusive jurisdiction for such review lies in the United States Court of Appeals for the circuit in which Plaintiff resides (Vermont, within the Second Circuit) or the D.C. Circuit. Plaintiff, a Vermont resident, acknowledges that the Second Circuit Court of Appeals is the proper forum.
2. Request for Transfer Under 28 U.S.C. § 1631. Rather than dismissing this action, Plaintiff respectfully requests that the Court transfer it to the Second Circuit Court of

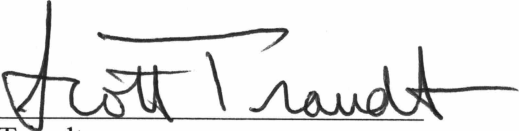
Appeals pursuant to 28 U.S.C. § 1631, which provides: “Whenever a civil action is filed in a court ... and that court finds that there is a want of jurisdiction, the court shall, if it is in the interest of justice, transfer such action ... to any other such court ... in which the action ... could have been brought at the time it was filed.” This case could have been brought in the Second Circuit as a petition for review or writ of mandamus under 15 U.S.C. § 78y(a) or 28 U.S.C. § 1651.

3. Interest of Justice. Transfer serves the interest of justice by: (a) preserving Plaintiff’s original filing date, avoiding potential statute of limitations issues under 15 U.S.C. § 78y(a) (60-day limit for review of final SEC orders); (b) preventing additional filing costs and delays associated with refiling in the Second Circuit; and (c) promoting judicial efficiency, as Plaintiff’s claim seeks appellate review of SEC inaction, which aligns with the Second Circuit’s jurisdiction. See, e.g., *Telecomms. Research & Action Ctr. v. FCC*, 750 F.2d 70, 75 (D.C. Cir. 1984) (noting § 1631 facilitates transfers to courts with exclusive jurisdiction).
4. Conclusion. Plaintiff respectfully requests that the Court deny Defendants’ motion to dismiss to the extent it seeks outright dismissal and instead transfer this action to the Second Circuit Court of Appeals under 28 U.S.C. § 1631. Plaintiff agrees that the Second Circuit is the proper forum and seeks to proceed there to address the merits of the SEC’s actions regarding MMTLP.

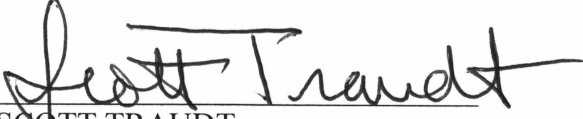
WHEREFORE, Traudt requests this court to:

- A. Withhold dismissing this case
- B. Transfer this case to the 2nd Circuit Court of Appeals as early as practicable.
- C. Any other relief deemed necessary.

Dated: August 9th, 2025


Scott Traudt, *pro se*
191 Kibling Hill Road
Strafford, VT 05072

I hereby certify that a true copy of the foregoing was sent to respondent at the addresses delineated below either by 1st Class mail or via email on this 9th day of August, 2025.


SCOTT TRAUDT

UNITED STATES OF AMERICA, Michael P. Drescher, Asst. US Attorney POB 570, Burlington, VT 05402-0570 by Lauren Almquist Lively, (Lauren.Lively@usdoj.gov)

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